

REMARKS

Claims 1, 2, 4-6, and 9-11 are pending in this application.

Applicants have amended claims 1 and 9-11, and have canceled claim 8. These changes do not introduce any new matter.

Rejection Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 1, 2, 4-6, and 8-11 under 35 U.S.C. § 103(a) as being unpatentable over *Hashimoto et al.* (“*Hashimoto*”) (U.S. Patent No. US 6,249,317 B1) in view of *Velazquez et al.* (“*Velazquez*”) (US 2003/0161506 A1) (as noted above, claim 8 has been canceled). As will be explained in more detail below, the combination of *Hashimoto* in view of *Velazquez* would not have rendered the subject matter defined in independent claims 1 and 9-11, as amended herein, obvious to one having ordinary skill in the art.

Applicants have amended claim 1 to include the features specified in original claim 8. In addition, Applicants have amended claim 1 to recite “prohibiting the color balance adjustment processing of the image data in cases where the judgment is negative.” In light of the changes to claim 1, Applicants have canceled claim 8.

Neither the *Hashimoto* reference nor the *Velazquez* reference discloses or suggests the features recited in present claim 1. In the Office Action, the Examiner noted (with regard to original claim 8) that the feature of performing the color balance adjustment processing of the image data in cases where the judgment is affirmative “does not preclude performing in cases where the judgment is negative.” Office Action at page 5. Thus, the Examiner concluded that the *Hashimoto* reference disclosed this feature. As set forth above, present claim 1 specifies that the color balance adjustment processing is prohibited in cases where the judgment is negative. As such, the *Hashimoto* reference does not disclose or suggest at least this aspect of the presently claimed subject matter.

In view of the foregoing, even if the *Hashimoto* and *Velazquez* references were to be combined in the manner proposed by the Examiner, the result of this combination would not have included each and every feature of present claim 1. Therefore, the combination of *Hashimoto* in view of *Velazquez* would not have rendered the subject matter defined in present claim 1 obvious to one having ordinary skill in the art.

Applicants have amended each of independent claims 9-11 along the same lines that claim has been amended. As such, the arguments set forth above regarding present claim 1 also apply to present claims 9-11.

Accordingly, for at least the foregoing reasons, independent claims 1 and 9-11, as amended herein, are patentable under 35 U.S.C. § 103(a) over *Hashimoto* in view of *Velazquez*. Claims 2 and 4-6, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 103(a) over *Hashimoto* in view of *Velazquez* for at least the same reasons set forth above regarding claim 1.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1, 2, 4-6, and 9-11, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in

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connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP065).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'Peter B. Martine', with a stylized flourish at the end.

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